

### REMARKS/ARGUMENTS

This is a Response to the Office Action mailed March 25, 2004, in which a three (3) month Shortened Statutory Period for Response has been set, due to expire June 25, 2004. Enclosed is our check to cover the fee for a three-month extension of time, to September 25, 2004. One hundred thirty-four (134) claims, including ten (10) independent claims, were paid for in the application. Claims 1-134 have been canceled. New claims 135-156 have been added. No new matter has been added to the application. No fee for additional claims is due by way of this Amendment. The Director is authorized to charge any additional fees due by way of this Amendment, or credit any overpayment, to our Deposit Account No. 19-1090. Claims 135-156 are pending.

#### Objections

Claims 48-49, 64-65, 93 and 104 were objected to because of informalities. Claims 48-49, 64-65, 93 and 104 have been canceled.

#### Rejections Under 35 U.S.C. § 112, First Paragraph

Claims 1-134 were rejected under 35 U.S.C. § 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. Claims 1-134 have been canceled.

#### Rejections Under 35 U.S.C. § 103

Claims 1-134 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Muniz (U.S. Patent Application Publication 2002/0037766) in view of Leason et al. (U.S. Patent No. 6,251,017).

U.S. Patent Application Publication 2002/0037766 in the name of Muniz (hereinafter Muniz) is generated directed to a networked lottery game in which players from one

jurisdiction may win a consolation prize based on the outcome of a lottery game in another jurisdiction. In particular, Muniz discloses a variety of standard lottery play slips where the participant may select a plurality of numbers from a set of numbers to define a player selected combination. The player wins if the player selected combination matches the winning combination in the primary jurisdiction in which the lottery play slip is purchased. Should the player lose in the primary jurisdiction, the player may still win if their selected combination matches a winning combination from another jurisdiction. The player may select the additional jurisdiction in which to compete. A number of different network topologies are disclosed for linking the various jurisdictions.

U.S. Patent No. 6,251,017 to Leason et al. (hereinafter Leason) is directed to a lottery with a reward validation which may be redeemed online or in person. In particular, Leason teaches supplying icons to a customer at a retail establishment to encourage the use of the establishment's Website. The icons form a portion of a validation code which allows the awarding of e-points. The e-points may be exchanged by the customer for access to a limited access portion of the Website and/or services available via the Website. The relationship between the validation code and the number of e-points awarded may be predetermined or may be determined dynamically. Leason also teaches further encouraging the customer to return to the establishment by allowing the redemption of e-points after registering the validation code via the Website.

Some of the new claims are directed to providing a plurality of commercial icons associated with at least two different commercial entities for presentation to and selection by a user. This may, for example, allow a third party to organize and operate a lottery with a variety of commercial sponsors, for example representing the various sponsors using their trademarks, trade names, slogans, jingles or other recognizable images and/or sounds as the commercial icons. The sponsors will appreciate that the participants must pay attention to the sponsor's identifying material in order to actually play the game. The use of multiple sponsors permits larger lotteries, and spreads the costs of running such lotteries over a wide base. This would be particularly advantageous for organizations such as the International Olympic Committee, which

typically employs a large number of sponsors due to the substantial costs of putting on the Olympic Games.

Some of the new claims are directed to associating advertising material with the commercial icons which may be provided to the user in response to one type of user action, for example, selecting the commercial icon with a cursor. This is in addition to allowing the player to select the commercial icons to form the player selected combination for the game or lottery. The player selected combination may be formed in response to another type of action, for example, selecting a key or button associated with the commercial icon. Such advertisements may be presented in a variety of ways, for example, by linking the user to another location such as a Website operated by the sponsor, or to another portion of the lottery run Website.

Additionally some of the new claims are directed to providing a promotional offer from the sponsors whose commercial icons have been selected by the user to form the user selected combination. Further, some of the new claims are directed to changing an image in the commercial icon, for example, in response to some user action such as passing a cursor over the commercial icon.

### Conclusion

Overall, the above discussed references do not singly, or in any motivated combination, teach or suggest the claimed features of the embodiments recited in independent claims 135, 147, and 155, and thus such claims are allowable. Because the remaining claims depend from allowable independent claims 135, 147, and 155, and also because they include additional limitations, such claims are likewise allowable. If the undersigned attorney has overlooked a relevant teaching in any of the references, the Examiner is requested to point out specifically where such teaching may be found.

In light of the above amendments and remarks, Applicant respectfully submits that all pending claims are allowable. Applicant, therefore, respectfully requests that the Examiner reconsider this application and timely allow all pending claims. Examiner Nguyen is encouraged to contact Mr. Abramonte by telephone to discuss the above and any other

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distinctions between the claims and the applied references, if desired. If the Examiner notes any informalities in the claims, he is encouraged to contact Mr. Abramonte by telephone to expediently correct such informalities.

Respectfully submitted,  
Seed Intellectual Property Law Group PLLC

A handwritten signature in black ink, appearing to read 'Frank Abramonte', is written over a horizontal line.

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